

Notice of Allowability

Application No.

09/848,902

Examiner

Brenda Pham

Applicant(s)

BARANY ET AL.

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/12/2005.
2. ☒ The allowed claim(s) is/are 2-11, 14-21 and 23-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Dan C. Hu, Reg. No. 40,025 on February 3, 2006.

3. The application has been amended as follows:

Claims 13, 22 and 26 are canceled.

Claims 2, 4, 5, 6, 9, 11, 15, 16 and 23 are amended as following:

2. The method of claim 5, wherein setting one of plural ~~values~~ differentiated services code points for the quality-of-service field comprises:

setting a first ~~value~~ differentiated services code point for the quality-of-service indicator field in the Internet Protocol packet if a first rate is determined; and

setting a second ~~value~~ differentiated services code point for the quality-of-service indicator field in the Internet Protocol packet if a second rate is determined.

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4. A method of communications, comprising:
 - determining one of plural rates to code data for communication over a network;
 - encapsulating the data in an Internet Protocol (IP) packet having a quality-of-service indicator field;
 - setting one of plural ~~values~~ differentiated services code points for the quality-of-service indicator field in the IP packet based on the determined one of plural rates; and
 - transmitting the packet over a wireless link.
5. A method of communications, comprising:
 - determining one of plural rates to code data for communication over a network;
 - encapsulating the data in an Internet Protocol (IP) packet having a quality-of-service indicator field; and
 - setting one of plural ~~values~~ differentiated services code points for the quality-of-service indicator field based on the determined one of plural rates.
6. The method of claim 5, wherein ~~setting one of plural values for the quality-of-service indicator field comprises setting one of plural values for a differentiated services field in the Internet Protocol packet.~~

9. An article comprising at least one storage medium comprising instructions that when executed cause a system to:

determine one of plural rates to code data for communication over a network; and

set one of plural quality-of-service values in an Internet Protocol packet, based on the determined one rate, to carry the data over the network, wherein setting one of the plural quality-of-service values comprises setting one of plural differentiated services code points.

11. The article of claim 9, wherein the instructions when executed cause the system to set one of the plural quality-of-service values ~~by setting one of plural~~ in a differentiated services field values in the Internet Protocol packet.

15. A system comprising:

a codec adapted to code real-time data; and

a controller adapted to vary a codec rate and to set one of plural quality-of-service indicator values in a quality-of-service field of an Internet Protocol packet based on the codec rate, the plural quality-of-service indicator values comprising differentiated services code points.

16. A system comprising:

a codec adapted to code real-time data;

a controller adapted to vary a codec rate and to set one of plural quality-of-service indicator values in an Internet Protocol (IP) packet based on the codec rate, the plural quality-of-service indicator values comprising differentiated services code points; and

an interface to a wireless link to communicate the IP packet.

23. A system comprising:
- a network interface to receive plural Internet Protocol (IP) packets from a network;
 - a plurality of queues to store the IP packets, each IP packet containing a quality-of-service indicator, the plural IP packets containing different quality-of-service indicator values that correspond to different coding rates, the quality-of-service indicator values comprising differentiated services code points; and
 - a controller adapted to store each IP packet in one of the plurality of queues based on the quality-of-service indicator value in the IP packet.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: the prior art made of fails to teach encapsulating the data in an Internet Protocol (IP) packet having a quality-of-service indicator field; and setting one of plural differentiated services code points for the quality-of-service indicator field based on the determined one of plural rates.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

February 3, 2006
Brenda Pham



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER